REMARKS

Claims 1 and 11 have been amended to insert the words "variable length" in front of packet. Support for this amendment is discussed below. An amendment to clarify the meaning of "data path" has also been made.

Rejection Under 35 USC 103(a) based on Catellano

Claims 1 and 11 have been rejected under 35 USC 103(a) as being unpatentable over Castellano (U.S. Patent No. 6,690,670) in view of Le Guigner et al. (U.S. Patent No. 5,604,743). The Examiner indicates that Castellano fails to explicitly show a control of data signal to identify when the data path contains control information and when it contains data but does show each of the other elements of claims 1 and 11. Le Guigner is cited to show a cell type indicator contained in the payload type in the ATM header (control of data signal) to indicate when the ATM cell data contains control information and when it contains data.

In both Applicant's application and the patent of Castellano, ATM cells are transported transparently, that is they are not inspected or modified by the interface implementations at either end. ATM cells and packets are like the contents of an envelope. The bus interface ensures that the envelopes arrive reliably at the other end, without regard to the contents inside and without opening the envelopes. Thus, even if a cell type indicator were used in either Castellano or the present application (or any other), being inside the data path, it could not be uniquely identified from the transported data. The data can readily contain bit patterns that mimic such an indicator's bit pattern. A separate signal

line is needed to indicate when the data path contains transported data and when it contains in-band control information.

With respect to the disclosure of variable length packets in claims 1 and 11, the term "packets" in the industry refers to variable length whereas the term "cell" are of fixed length. This terminology is well-understood in the industry. On page 16, lines 7-8 it is stated, "Packets longer than the configured maximum segment size must be segmented into multiple bursts.". On page 17, lines 9-10 the following statement is made: "The minimum and maximum supported packet lengths are determined by the application.". Clearly, packets of variable length are contemplated by the present application. If this were not the case then Applicant's use of both the term "packet" and "cell" in each of those claims would be superfluous. In fact, the title of Applicant's application contains the words "cell and/or packet transfer". This clearly implies that there is a distinction between cells and packets. Thus, applicant's interfacing is distinguished from that of Castellano as being applicable to packets as well as to cells.

In view of the above distinctions and the amendments, reconsideration of the present application is respectfully solicited.

Respectfully submitted,

Date: _8/8/05_
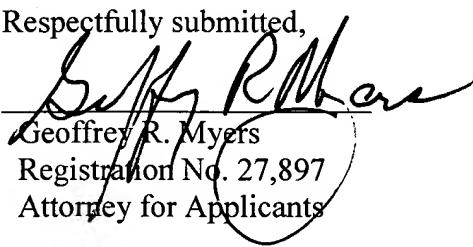
Geoffrey R. Myers
Registration No. 27,897
Attorney for Applicants

Phone 301 983 8513